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SENATE BILL 103

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO TELECOMMUNICATIONS; PROVIDING PROCEDURES FOR
RECOVERY OF BUSINESS REVENUE LOST DUE TO POOR PUBLIC
TELECOMMUNICATION SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico

Telecommunication Act is enacted to read:

"[NEW MATERIAL] STANDARDS OF SERVICE FOR BUSINESS
CUSTOMERS--REIMBURSEMENT FOR LOST REVENUE.--

A. The commission shall adopt rules for
administrative procedures for a business that relies on public
telecommunications services to recover revenue lost due to the
failure of those services purchased by that business from a
provider of those services.

B. As used in this section:

underscored material = new
[bracketed material] = delete

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(1) "failure" means service that does not meet industry standards of reliability for a given type of service or the quality of service standards established by the commission; and

(2) "provider" means an incumbent local exchange carrier with more than fifty thousand access lines that sells the public telecommunication service to the business in question.

C. If a public telecommunication service does not meet the standards referred to in Subsection B of this section:

(1) the provider of those services shall be responsible for revenue lost by the business purchasing those services from the provider; and

(2) the burden of proof shall be on the provider to show that claimed revenue losses of a business are not justified. "